WP(C) 2037/2007
BEFORE
HON'BLE JUSTICE B.K. SHARMA

Heard Mr. A.S. Choudhury, learned Sr. counsel assisted by Mr. B. Islam, learned counsel for the petitioners. Also heard Mr. S.K. Das, learned S.C., Education Department as well as Ms. R. Chokraborty, learned State counsel representing the respondent No. 3, i.e. the Deputy Commissioner, Bongaigaon. I have also heard Mr. D. A. Kayum, learned counsel appearing for the private respondents.

The matter relates to shifting and construction of the school building. On an earlier occasion the private respondents had approached this Court by filing a writ petition being W.P.(C) No. 1694/07 making a grievance against the proposed shifting of the school. The writ petition was disposed of with a direction to the Deputy Commissioner, Bongaigaon to consider and dispose of the representation dated 02.04.07 submitted by the private respondents. The representation was to be disposed of by a speaking order.

The petitioners in the instant writ petition on the other hand seek shifting of the school. In this connection they have also submitted a representation dated 23.04.07 (Annexure-1) to the Deputy Commissioner, Bongaigaon. Ms. R. Chokraborty, learned State counsel was requested to obtain instruction as to whether the direction of this Court as contained in the order dated 09.04.07 passed in W.P.(C) No. 1694/07 filed by the private respondents has been carried out or not. In this connection, she has produced a copy of the letter dated 16.05.07 addressed to her by the Deputy Commissioner, Bongaigaon. In the letter, the Deputy Commissioner has expressed his inability to take on record the Annexure-I representation dated 23.04.07 (Annexure-I) filed by the present writ petitioners in view of the earlier order of this Court. From the letter it appears that the report etc. has been called for towards disposal of the representation submitted by the private respondents.

In view of the above, I am of the considered opinion that it will be appropriate for the Deputy Commissioner, Bongaigaon to hear the grievance as well towards consideration of the case of the private respondents. Accordingly it is hereby provided that the Deputy Commissioner while considering the representation of the private respondents, shall also consider the aforesaid Annexure-I representation dated 23.04.07 of the petitioners. It will be appropriate for the Deputy Commissioner to pass a speaking order after hearing all concerned including the petitioners and the private respondents. The parties may obtain the certified copy of this order and produce the same before the said Deputy Commissioner for his necessary follow up action in terms of this order. Needless to say the matter shall be decided by the Deputy Commissioner expeditiously for the greater interest of the school and the public.

Writ petition stands disposed of.